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Attorney's Docket No. INF-009

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Steven T. Kirsch
 Application No.: 08 / 927,022 Group No.
 Filed: September 10, 1997 Examiner:
 For: DOCUMENT RETRIEVAL SYSTEM
 WITH ACCESS CONTROL

☐ Patent No.: _____ Issued: _____

***NOTE:** Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY

Filing of Small Entity Statement

1. On September 10, 1997, a verified small entity statement was filed in
this

- ☒ application.
☐ patent.

Payment of Fee(s) as Small Entity

2. (complete the following applicable item(s))

- ☒ The filing fee was paid on September 10, 1997
- ☐ The issue fee was paid on _____
- ☐ The _____ maintenance fee was (were) paid on _____
(first, second or third)
- ☐ Other: _____

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APR -6 98
GROUP 2600

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the
Patent and Trademark Office.

Date: January 19, 1998

Süßen Wiers

Signature
Susan Wiens

(Type or print name of person certifying)

Adjustment date: 03/23/1998 ATHAI1
11/20/1997 KHARLING 00000048 08927022
01 FC:201 -385.00 OP

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 3 of 3)

03/23/1998 ATHAI 00000008 DAB:190590 08927022
01 FR:101 20:00 CH 770.00 DP

Fee Payment

6.

☒ Attached is a check in the amount of \$ 385.00.

☐ Charge Account _____ in the amount of \$ _____.

A duplicate of this paper is attached.

Please charge Account 19-0590 for any fee deficiency.

Further Status as Small Entity

(complete the following applicable item)

- ☐ Because a proper small entity declaration
- ☐ has been filed on _____
 - ☐ is attached.
 - ☐ the status of this case is as a small entity.

or

☒ Status as a small entity is hereby withdrawn.

Thomas Schneck

(type or print name of person signing declaration)

Thomas Schneck

Signature

January 19, 1998

Date

P.O. Box 2-E

San Jose, CA 95109-0005

(if applicable)

Tel. No.: (408) 297-9733

Reg. No. 24,518

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Attorney or agent of record
- ☐ Filed under Rule 34(a)

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on _____

Reel _____ Frame _____

NOTE: A statement under 37 CFR 3.73(b) is not required to be submitted when the assignee signs a small entity declaration. Notice of April 30, 1993, 1150 O.G. 62-64.

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 3 of 3)

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Error

3. The error in the payment of fee(s) as a small entity was as follows:

(complete following applicable item)

- ☐ Although applicant is a small entity, the small entity declaration was, through error, not signed by all persons or entities having an interest.
- ☐ Although applicant is a small entity, the small entity declaration was, through error, not signed by the proper authorized person.
- ☐ Applicant erroneously believed itself entitled to small entity status, and has now discovered that this is not so.
- ☐ Before the payment of the fee, a change occurred whereby small entity status could not be claimed for applicant and, through error, the PTO was not notified.
- ☒ Other: Applicant erroneously believed itself to be entitled to small entity status, but had licensed the invention to an entity not entitled to small entity status (see attached verified statement)

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Further Statement

4. Because

- ☐ this notification is within three months of the payment of the fee, no further statement is required under 37 CFR 1.28(c).
- ☒ this notification is more than three months after the payment of the fee, a verified statement explaining how the error in good faith occurred, and how and when it was discovered, is attached.

WARNING: "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full." 37 CFR 1.28(c).

Fee Payment for Deficiency

5.

(check and complete following applicable item)

- ☐ No fee payment for deficiency is due, because this notification is within two months of the time of the payment of the fee, and there is attached a correct declaration for the status of the applicant as a small entity. (37 CFR 1.28(a)).
- or
- ☒ Payment is attached for the sum of \$ 385.00 for the deficiency between the amount of fee(s) paid and the amount due.

NOTE: Calculation of deficiency amounts are to be based on the fee levels in effect at the time of the payment of the deficiency. Refer to Notice of September 14, 1992, 1143 O.G. 33-40, at 33.

#2
6-28-98
MJC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven T. Kirsch

PATENT APPLICATION

Serial No.: 08/927,022

Filed: September 10, 1997

For: DOCUMENT RETRIEVAL SYSTEM
WITH ACCESS CONTROL

Verified Statement Explaining Error
in Connection with Small Entity Status

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

Because it is now more than three months after establishment of small entity status in the above-identified application, this verified statement is being provided by a person having personal knowledge to explain how the error in good faith occurred, and how and when it was discovered, in connection with the accompanying document "Notification of Error in Payment of Fee(s) as a Small Entity."

Having personal knowledge concerning the above error, I declare:

1. The application corresponding to the above-identified patent was filed on September 10, 1997, along with verified small entity statements filed in good faith due to the fact that assignee of the application, Infoseek Corporation, then qualified, and still does qualify, as a small entity. At the time of filing of the application, it was believed by the undersigned that Infoseek Corporation had not licensed the application to others not qualified for small entity status. The application was accompanied by a filing fee commensurate with small entity status.

01/26/98



2. Just after filing of the above-identified patent application, Andrew E. Newton, Vice President of Infoseek Corporation, assignee of the above-identified patent application, informed the undersigned that Infoseek Corporation had licensed certain technology to a large entity in December of 1996. I determined that the licensed technology could possibly involve the subject patent application and that, out of caution, small entity status should not have been declared.
3. At the time the above fees were paid, I was unaware that the assignee of the above-identified patent application had in fact licensed the invention to an entity not qualified for small entity status and believed in good faith that the assignee still qualified for small entity status.
4. I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements and the like may jeopardize the validity of the above-identified patent application.

Date: January 19, 1998


Thomas Schneck